

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**UNITED STATES OF AMERICA, EX. REL.  
KELLY NICOLE WUESTENHOEFER**

**PLAINTIFFS**

**VS.**

**CIVIL ACTION NO. 4:10cv012-M-V**

**A. J. JEFFERSON *in her individual  
capacity*, et al.**

**DEFENDANTS**

**REPORT AND RECOMMENDATION**

This matter is before the court *sua sponte* for consideration of dismissal of Defendant Chaka Williams.

By Order [33] dated November 19, 2012, Relator was required to serve all defendants within thirty days. By Text Order dated December 19, 2012, the court granted Relator's motion [35] for an additional thirty days within which to serve the defendants. A summons [36] was issued for Defendant Chaka Williams the next day, but was returned unexecuted on January 2, 2013 [43]. On March 7, the Clerk entered a Notice [62] of incomplete process which notified Relator that there was no record that a summons had been served on Williams. Later, on April 29, the undersigned issued an Order [79] which required that on or before May 13, Relator show cause why Chaka Williams should not be dismissed from this action for failure to serve process within the time limit set by the court. In her response [82] filed May 13, Relator generally stated that her "diligent search" and "multiple attempts" to serve Chaka Williams by process server had been "unsuccessful."

Because Relator has failed to show good cause why she has failed to serve Defendant Chaka Williams within the time period allowed by this court, did not seek an extension prior to the expiration of

that time, and does not now seek additional time to serve said defendant, it is recommended that Defendant Williams be dismissed from this action without prejudice.

The parties are referred to L. U. Civ. R. 72(a)(3) for the applicable procedure in the event any party desires to file objections to the findings and recommendations herein contained. The parties are warned that any such objections are required to be in writing and must be filed within fourteen (14) days of this date. Failure to timely file written objections to the proposed findings, conclusions and recommendations contained in this report will bar an aggrieved party, except upon grounds of plain error, from attacking on appeal unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

Respectfully submitted this 31<sup>st</sup> day of May, 2013.

/s/Jane M. Virden  
UNITED STATES MAGISTRATE JUDGE